

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to specify that the claimed reuse information indicates a type of reuse that is allowed for a first description and that a second or new description is created from the first description in accordance with the reuse information. No new matter has been added as a result of these amendments because they are supported in the application as originally filed at, *intra alia*, paragraph 45, pages 17-18.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103(a)***

##### **Claims 1-15, 17, 20-34 and 37-41**

Claims 1-15, 17, 20-34 and 37-41 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Crawford, U.S. Patent 5,895,784 (previously cited), in view of Etra, U.S. Patent 5,012,334.

Etra discloses an image data bank of reusable image sequences (stock footage). A producer searches through the data bank for a certain image sequence for a new script, which he/she tags with a keyword. When the same producer next specifies that same keyword, the tagged image sequence is retrieved. Etra also discloses a data index and an edit list associated with the tagged image sequences.

The Examiner is equating the pre-defined storylines in Crawford with Applicant's claimed first and second (or new) descriptions, and Crawford's reusable substories with Applicant's claimed reuse information. The Examiner admits that Crawford does not disclose using a first description to generate a second or new description that describes a similar concept in different audiovideo content as claimed by Applicant. The Examiner cites Etra as disclosing this claimed element. In his analysis of Etra, the Examiner appears to be equating Etra's keyword, list and index with Applicant's claimed reuse information, and an image sequence with Applicant's claimed first description that is reused. Applicant notes that the Examiner's citation to Etra included part of the claims

and assumes this is a typographical error because prior art claims cannot be used in a proper rejection.

Applicant respectfully submits that the combination of Crawford and Etra is improperly motivated. Since the Examiner equates Crawford's reusable substories with the claimed reuse information and also interprets Etra's keyword, list and index with the claimed reuse information, either Crawford or Etra would have to be modified to use the other's "reuse information." Applicant respectfully submits modifying Crawford to use Etra's keyword, list and index instead of substories would render Crawford unsatisfactory for its intended purpose of reusing substories in a pre-defined storyline because the substories would no longer be available. On the other hand, modifying Etra to use Crawford's substories instead of a keyword, list or index would cause Etra's search for image sequences to be useless, and thus would render Etra unsatisfactory for its intended purpose of reusing image sequences. Because the Examiner's proposed modification to either Crawford or Etra would render the prior art unsatisfactory for its intended purpose, the combination of Crawford and Etra is improper [MPEP 2143.01(V)]. Alternatively, if the functions of Crawford's substories or Etra's keyword, list or index could be modified so that the combination would operate, the combination is still improper because a proper motivation to combine requires that one skill in the art could have combined the prior art elements as claimed by known methods with no change in their respective functions [MPEP 2143.02, citing *KSR* (emphasis added)].

Even, assuming *arguendo*, that Crawford and Etra can be properly combined, the combination does not teach or suggest Applicant's invention as claimed in the amended claims. Applicant claims that the reuse information indicates what type of reuse is allowed for the first description and that the second (new) description is created in accordance with the reuse information. There is nothing in Crawford that teaches the substories indicate what type of reuse is allowed for a pre-defined storyline. At best, Crawford suggests that each substory indicates how that particular substory itself is reused. There is no suggestion in Etra that either the keyword, list or index indicates what type of reuse is allowed for the image sequences. In fact, Etra is entirely silent on any limitation imposed on the producer's reuse of the retrieved image sequence. Thus,

neither Crawford nor Etra can be properly interpreted as disclosing reuse information as claimed by Applicant or the use of the claimed reuse information.

Furthermore, the Examiner stated that Applicant claims “creating a new audiovisual content that is different from the existing audio visual content” [OA: page 3, lines 10-11]. This is an incorrect paraphrasing of Applicant’s claimed element. Instead, Applicant claims *creating a second (new) description* for the new and different content *using the first description* for the existing content. Thus, under the Examiner’s interpretation of Etra, Etra must disclose reusing a first image sequence to create a second image sequence for Etra to disclose Applicant’s claim element. Applicant respectfully points out that Etra defines the image sequences as existing stock footage, i.e., clips from existing video. Because Etra does not disclose creating new stock footage, Etra cannot be properly interpreted as even suggesting that a new image sequence can be created from a retrieved image sequence. Therefore, Etra cannot be properly interpreted as disclosing creating a second (new) description from a first description as claimed by Application.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1-15, 17, 20-34 and 37-41 is not anticipated by Crawford and Etra under 35 U.S.C. § 103(a) and respectfully requests the withdrawal of the rejection of the claims.

#### **Claims 16, 18-19 and 35-36**

Claims 16, 18-19 and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crawford in view of Official Notice that dictionary mapping, graph operations, and object-oriented inheritance graphs are well known. Because claims 16, 18-19 depend from claim 9, and claims 35-36 depend from claims 31, Applicant assumes the Examiner intended to rejection claims 16, 18-19 and 35-36 over the combination of Crawford and Etra in view of the Official Notice.

However, because the combination of Crawford and Etra does not teach or suggest reuse of a first description, in accordance with a reuse information that indicates a type of reuse that is allowed, to create a second (new) description that describes a similar concept depicted in a new audiovisual content that is different than the existing audiovisual content as claimed by Applicant, the combination of Crawford, Etra and the

Official Notice asserted by the Examiner does not disclose each and every limitation of the invention claimed in claims 16, 18-19 and 35-36.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 16, 18-19 and 35-36 is not rendered obvious by Crawford and Etra, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

### **SUMMARY**

Claims 1-41 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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